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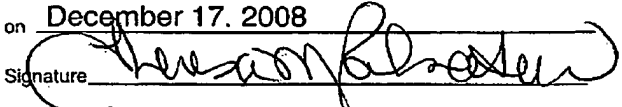
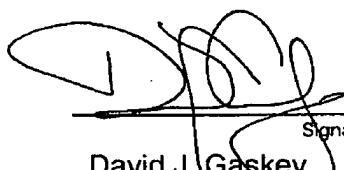
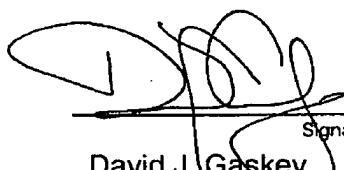
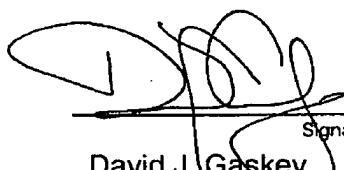
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PTO/SB/33 (07-05)

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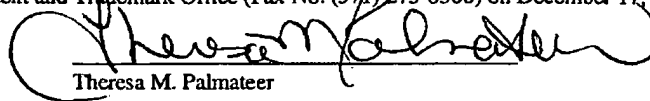
PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 60469-109PUS1;PA00005195US							
CERTIFICATE OF FACSIMILE I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>December 17, 2008</u> Signature <u></u> Typed or printed name <u>Theresa M. Palmateer</u>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 2px;">Application Number 10/577,871</td> <td style="width:50%; padding: 2px;">Filed 04/28/2006</td> </tr> <tr> <td colspan="2" style="padding: 2px;">First Named Inventor Timothy P. Galante</td> </tr> <tr> <td style="padding: 2px;">Art Unit 3654</td> <td style="padding: 2px;">Examiner Pico, Eric E.</td> </tr> </table>		Application Number 10/577,871	Filed 04/28/2006	First Named Inventor Timothy P. Galante		Art Unit 3654	Examiner Pico, Eric E.
Application Number 10/577,871	Filed 04/28/2006								
First Named Inventor Timothy P. Galante									
Art Unit 3654	Examiner Pico, Eric E.								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>									
<p>I am the</p> <table style="width:100%;"> <tr> <td style="width:50%; vertical-align: top;"> <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,139</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ </td> <td style="width:50%; vertical-align: top;"> <div style="text-align: center;">  David J. Gaskey Signature Typed or printed name (248) 988-8360 Telephone number December 17, 2008 Date </div> </td> </tr> </table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,139</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<div style="text-align: center;">  David J. Gaskey Signature Typed or printed name (248) 988-8360 Telephone number December 17, 2008 Date </div>				
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<input type="checkbox"/> *Total of _____ forms are submitted.									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby certify that this Request for Pre-Appeal Brief Review relative to Application Serial No. 10/577,871, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on December 17, 2008.


Theresa M. Palmateer

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60,469-109 PUS1
PA-000.05195-US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Timothy P. Galante
Serial Number: 10/577,871
Filed: 04/28/2006
Group Art Unit: 3654
Examiner: Pico, Eric E.
Title: ELEVATOR DOOR OPERATOR AND INTERLOCK
ARRANGEMENT

REQUEST FOR PRE-APPEAL BRIEF REVIEW

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request pre-appeal brief review because there is no *prima facie* case against any of Applicants' claims.

The rejection under 35 U.S.C. §103 of claims 1-3, 6-10 and 13-16 based upon the proposed combination of Kurimoto and Walter must be withdrawn.

There is no *prima facie* case of obviousness for several reasons.

First, the Examiner attributes elements to the *Kurimoto* reference that are not there. The Examiner contends that the element labeled 18' in *Kurimoto* is an elevator car door. Applicants respectfully disagree. There is nothing in the *Kurimoto* reference that indicates that the element labeled 18', which is not described in the specification of *Kurimoto*, is an elevator car door. The only door (or door panels) described in the *Kurimoto* reference are the "doors of the elevator shaft which when closed form part of the wall of the shaft" indicated by numerals 1, 2 and 2' in

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the *Kurimoto* reference. (Page 1, lines 66-68). There is nothing in the *Kurimoto* reference to indicate that the element labeled 18' is anything other than a wall of the car frame and there is no indication that it is a door.

The Examiner points to column 4, line 85 but that portion of the reference is describing the shaft doors, which are not elevator car doors.

Even if it were somehow possible to consider the element 18' to be a door, there is nothing in the reference to support the Examiner's position that the motor 19 is a door mover for moving the element 18'. There is nothing within the *Kurimoto* reference that in any way indicates that the motor 19 has any effect on any hypothetical movement of the undescribed element labeled 18'. Therefore, even if the Examiner were correct that the element 18' is a cabin door, the motor 19 does not correspond to a door mover for moving a cabin door. The Examiner does not even contend that the motor 19 moves the element 18' but instead acknowledges that the motor 19 is used only for moving the doors of the elevator shaft 1, 2, 2'.

Therefore, even if the Examiner's proposed combination of the *Kurimoto* and *Walter* references could be made, there is no *prima facie* case of obviousness because there is nothing within that combination that corresponds to a door mover for moving the undescribed element 18' in the *Kurimoto* reference. Without that, it is impossible to establish a *prima facie* case of obviousness.

Additionally, the proposed combination cannot be made. MPEP 2143.01(VI) indicates that a proposed modification or combination of prior art that would change the principle of operation of the prior art being modified is not permitted when attempting to manufacture a *prima facie* case of obviousness. In this instance, the Examiner's proposed combination would change the principle of operation of the *Kurimoto* reference. That reference uses a motor 19 and a manually moveable lever to engage the shaft of the motor 19 with the chain mechanism for

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moving the shaft door. The principle of operation of the *Kurimoto* reference is to have a person inside the elevator car manipulate the handle 24c to cause selective movement of the shaft doors 1, 2 and 2' between open and closed positions.

If one were to attempt to substitute in the clutch mechanism C of the *Walter* reference to provide some engagement between a hypothetical cabin door 18' and the shaft door 1 in the *Kurimoto* reference for purposes of moving the shaft doors 1, 2, 2', that would change the principle of operation of that reference. Therefore, the Examiner's proposed combination cannot be made. Regardless of how one interprets the undescribed element 18' in the *Kurimoto* reference, the proposed combination of that reference with the *Walter* reference does not establish a *prima facie* case of obviousness because it cannot be made.

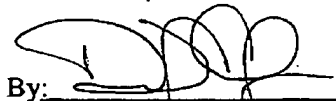
The rejection of claims 1-3, 6-10 and 13-16 under 35 U.S.C. §103 must be withdrawn.

**The rejection of claims 4, 5, 11 and 12 under 35 U.S.C. §103
based upon the proposed combination of the *Kurimoto*,
Walter and *Shalit* references must be withdrawn.**

As already explained, the base combination of *Kurimoto* and *Walter* cannot be made. Even if it could, it does not include the elements that the Examiner contends would be in the combination. The proposed addition of the *Shalit* reference does not remedy the defects in the base combination and there is no *prima facie* case of obviousness. The rejection of claims 4, 5, 11 and 12 must be withdrawn.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

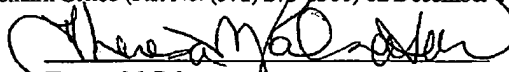
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Dated: December 17, 2008

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